

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

|                               |   |  |
|-------------------------------|---|--|
| JUSTINO RAMIREZ,              | ) | CIVIL ACTION NUMBER: 9:11-cv-00767-RMG |
|                               | ) |  |
| Plaintiff,                    | ) |  |
|                               | ) |  |
| -VS-                          | ) | COMPLAINT                              |
|                               | ) | (JURY TRIAL REQUESTED)                 |
| O`REA & SONS HARVESTING &     | ) |  |
| HAULING, INC., MARTIN GARCIA, | ) |  |
| and YESENIA L. MERINO,        | ) |  |
|                               | ) |  |
| Defendants.                   | ) |  |
|                               | ) |  |

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Plaintiff alleges:

1. Plaintiff is a citizen and resident of Beaufort County South Carolina.

Upon information and belief Defendant O'Rea and Sons Harvesting and Hauling, Inc. (O'Rea) is incorporated in the State of Georgia, and transacts business in Beaufort County South Carolina. Upon information and belief Defendant Martin Garcia (Garcia) is a citizen and resident of the State of Texas. Upon information and belief Defendant Yesenia L. Merino (Merino) is a citizen and resident of Metter, Georgia.

2. This Court has jurisdiction by virtue of diversity of citizenship.

3. At all times herein mentioned Defendant Garcia was an employee and/or agent of O'Rea and/or Merino.

4. On June 28, 2010, at approximately noon Plaintiff was working in a field harvesting crops in Beaufort County South Carolina. Defendant Garcia, operating a vehicle owned by Yesenia Merino, caused the vehicle to roll over Plaintiff's body.

5. Defendants were negligent and reckless in one or more of the following ways:

- a) Failing to monitor the location of individuals and/or in the vicinity of the vehicle;
- b) Failing to keep a proper lookout;
- c) Traveling at an unsafe rate of speed;
- d) Failing to execute proper maneuvers to avoid Plaintiff;
- e) Failing to exercise the degree of caution a reasonable and prudent person would have exercised under the same circumstances.

6. As a direct result of Defendants` negligence/recklessness Plaintiff has sustained the following damages:

- a) Medical bills including hospital, physician, and prescription charges;
- b) Lost wages;

- c) Impairment of earning capacity;
- d) Physical and mental pain and suffering;
- e) Permanent impairment.

WHEREFORE, Plaintiff demands judgment against Defendants, individually and severally, in such amounts of actual and punitive damages as a trier of fact shall determine, for the costs of this action, and for such further relief as the court deems proper.

DRIGGERS LAW FIRM

/s/JOHNNY F. DRIGGERS, ESQUIRE  
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ATTORNEY FOR PLAINTIFF

Goose Creek, South Carolina

March 30, 2011.